

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JAMES J. HAYES, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

HARMONY GOLD MINING COMPANY  
LIMITED,

Defendant.

Case No. 1:08 Civ. 03653-BSJ-MHD

**MOTION FOR FINAL APPROVAL OF SETTLEMENT  
AND AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Class Counsel respectfully moves, on November 10, 2011 at 2:00 p.m., before the Honorable Barbara S. Jones, for an Order granting final approval of the proposed Settlement of this securities class action, pursuant to Federal Rule of Civil Procedure 23(e), and for an award of attorneys' fees and reimbursement of expenses. This motion is based upon the accompanying memorandum of law and declaration in support, the Stipulation and Agreement of Settlement and the exhibits attached to it, all prior proceedings held in this action, and other such matters and arguments as the Court may consider in the hearing of this Motion.

Dated: November 1, 2011

Respectfully submitted,

**LAW OFFICES OF CURTIS V. TRINKO, LLP**

/s/ Curtis V. Trinko  
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***Court-Appointed Class Counsel***

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the November 1, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all registered users.

I further caused the foregoing to be delivered to the following persons via UPS:

Ms. Elizabeth Walters  
7861 Handy Court  
Ft. Collins, CO 80525

I further caused the foregoing to be delivered to the following persons by UPS and email:

Mr. James J. Hayes  
4024 Estabrook Dr.  
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/s/ Curtis V. Trinko  
Curtis V. Trinko